

THE 'IMPERFECT' FIGHT AGAINST PROLIFERATION

Relevant for: International Relations | Topic: Effect of policies and politics of developed & developing countries on India's interests

The move by the Joe Biden administration of the U.S. to revive the Iran nuclear deal has once again turned the spotlight on the International Atomic Energy Agency (IAEA), which played a key role in enforcing the original nuclear deal from which Donald Trump withdrew the U.S. in 2018.

The 2015 Joint Comprehensive Plan of Action (JCPOA), or the Iran nuclear deal, proved that the IAEA can emerge beyond its mandate of being a monitoring and inspection agency and, in fact, play a key role in finding solutions to tense international crises. Last week, the IAEA and Iranian diplomats struck a "temporary" deal to continue inspection of Iran's nuclear plants for three more months, which keeps at least the diplomatic path to revive the deal open.

As the preeminent nuclear watchdog under the UN, the IAEA is entrusted with the task of upholding the principles of the Nuclear Non-Proliferation Treaty of 1970. Established as an autonomous organisation on July 29, 1957, at the height of the Cold War between the U.S. and the Soviet Union, the IAEA claims that it "works with its member states and multiple partners worldwide to promote the safe, secure and peaceful use of nuclear technologies". Though established independently of the UN through its own international treaty, the agency reports to both the UN General Assembly and the Security Council.

However, there have always been questions about the Agency's ability to work independently, without being drawn into big power rivalries.

What the IAEA missed in terms of real authority over sovereign states, it compensated for that by cultivating some tall leadership whose actions kept the issue of non-proliferation on the multilateral table. Both Mohamed El Baradei (1997-2009) and Yukiya Amano (2009-19) were vocal at difficult moments. Under pressure from the George W. Bush administration to back the American claim that the Saddam Hussein regime of Iraq was pursuing nuclear weapons, Mr. El Baradei maintained that he would not rush into a judgment on this matter without incontrovertible evidence that could prove that Hussein had committed a gross violation of non-proliferation. History proved that his cautious approach was right as the invasion of Iraq failed to yield the necessary proof of Hussein's pursuit of nuclear weapons.

While the agency played a key role in providing the platform for holding frank discussion about civil nuclear requirement for several countries, it proved to be ineffective to prevent power politics from influencing nuclear negotiations. This was particularly visible when Pakistan pursued a nuclear weapons programme in the 1980s and despite overwhelming evidence in possession of the American authorities, they did not pursue the case effectively through the IAEA because of the cooperation between the U.S. and Pakistan on the Afghan front.

Defenders of the Agency would say the lack of executive authority has not been a real issue as the IAEA was originally set up as a monitoring organ. Richard Barlow, who was in charge of the CIA's non-proliferation programme that tracked Pakistan's nuclear programme, says that having the IAEA is an "imperfect system but it's better than nothing".

Civil nuclear solution

Apart from dealing with the sovereign states and their pursuit of civil and military nuclear programmes, the IAEA is also active in championing civil nuclear solution to a number of areas

like health, which is one of the main areas of peaceful application of nuclear know how. That apart, in recent years, the IAEA is also active in dealing with climate change, pandemic containment and in prevention of Zoonotic diseases.

The IAEA's lack of enforcement capability was hinted by El Baradei who had observed that IAEA had "uneven authority" as it does not have any power to override the sovereign rights of any member nation of the UN. The uneven authority produced results when in the case of Iran when the Agency's efforts were backed by big powers. The same, however cannot be said about North Korea.

The IAEA was the first to announce that the North Korean nuclear programme was not peaceful. North Korea finally expelled IAEA observers and as a result, there are no on-the-ground international inspectors in North Korea. The world is reliant on ground sensors and satellite imageries to observe North Korea's nuclear actions.

In comparison, Yukiya Amano was able to conduct some tough negotiation with Iran and managed to convince Iran to allow inspection of some of the top nuclear sites of the country by scientists and observers. His negotiation coincided with the back channel negotiation between the Barack Obama administration and Iran, which ultimately led to the JCPOA. As a partner to some of the complex and high stakes diplomacy, the IAEA has an air of secrecy around its functions and is accused of not being transparent about its actions .

The IAEA-certified the nuclear power plant at Rawatbhata in Rajasthan in 2012, which drew criticism as the power plant had two incidents of leakage of nuclear material earlier that year. The second incident affected at least four workers who worked in the nuclear power plant and had caused concern among the scientific community. One major criticism of the IAEA is that it never challenges the nuclear dominance of the five permanent members of the UNSC, who themselves hold some of the biggest nuclear arsenals of the world. That apart, there were controversies in the case of inspection of Iranian nuclear installations when Iran's then Intelligence Minister Heydar Moslehi had accused the IAEA of sending intelligence operatives who engaged in espionage against the interest of the Islamic Republic. The 2010 allegation also hinted that IAEA inspectors and observers had shared information with the U.S. government.

Iran challenge

The coming weeks will, however, test the 63-year old organisation as Iran remains suspicious of the exact intentions of the U.S. under the Biden administration. The current episode, which involves regional political concerns like Saudi-Iran and Iran-Israel rivalries as well as the American interests in the region, will certainly test the leadership of Rafael Mariano Grossi, the current Director General of the IAEA. It will also test the ability of the IAEA to deal with powerful states from its position of "uneven authority".

After this week's visit to Tehran, Mr. Grossi had posted on Twitter, "A temporary technical understanding has been reached" with Iran. However, the main negotiation on this front is dependent on Tehran's demand of lifting of American sanctions. Iran has said its compliance will depend on lifting of sanctions.

The issues involved between Iran and the U.S. indicate that they are not part of the mandate of the IAEA. Iran also requires assurance that once activated, the deal will not be abandoned in future by an American President in the way that President Trump had done in 2018. Tying all the loose ends of this difficult negotiation will be the biggest challenge for all parties.

In Focus

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